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July 23, 2013

VIA ELECTRONIC FILING
Molly C. Dwyer, Clerk of Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

      RE: Citation of Supplemental Authority After Briefing in *Sierra Club, et al. v. EPA, et al.*, and *El Pueblo Para El Aire Y Agua Limpio v. EPA, et al.*, Consolidated Case Nos. 11-73342 and 11-73356 (9th Cir.)

Dear Ms. Dwyer:

      Pursuant to Rule 28(j) of the Federal Rules of Appellate Procedure, I write to inform the Court of an EPA Notice of Extension of Deadline to Commence Construction Under Clean Air Act Prevention of Significant Deterioration Permit Issued to Avenal Power Center, LLC ("Notice of Extension"), which was published in the Federal Register after the above-referenced matters were fully briefed. *See* 78 Fed. Reg. 40,968 (July 9, 2013). The Notice of Extension announces that EPA has extended the deadline for commencing construction in the permit at issue in the above-referenced cases, which authorizes Avenal Power Center, LLC to construct the Avenal Energy Project. *See id.* The extension does not change the rationale underlying EPA's initial permit issuance and therefore does not affect the arguments made in the briefs filed in the above-referenced cases. EPA is informing the Court of the extension of the deadline in the permit to ensure that the Court is apprised of subsequent agency action.

Very Respectfully,

/s/ Stephanie J. Talbert
Stephanie J. Talbert
Counsel for Respondents

cc (via ECF Notification): Counsel of Record.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of Respondents' Citation of Supplemental Authority via Notice of Docket Activity by the Court's CM/ECF system, on July 23, 2013, on counsel of record.

/s/ Stephanie J. Talbert
Stephanie J. Talbert
Counsel for Respondents